

Meeting of 2009-7-14 Regular Meeting

MINUTES

LAWTON CITY COUNCIL REGULAR MEETING
JULY 14, 2009 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Pro Tem Doug Wells Also Present:
Presiding Larry Mitchell, City Manager
 Frank Jensen, City Attorney
 Traci Hushbeck, City Clerk

COL Ray Lacey, Fort Sill Liaison

Mayor Pro Tem Wells called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Minister Albert Chambliss, Bethlehem Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
James Hanna, Ward Two
Janice Drewry, Ward Three
Jay Burk, Ward Four
Robert Shanklin, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven

ABSENT: None

ROLL CALL

PRESENTATION OF PROCLAMATION FOR RODEO DAYS

Mayor Pro Tem Wells presented a proclamation to Bennie Gibson and David Crane, Lawton Rangers, proclaiming August 5, 6, 7, and 8 as Lawton s Rodeo Days 2009.

Mr. Gibson stated in 2008 there were 770 PRCA sanctioned rodeos and the Lawton rodeo was number 37.

AUDIENCE PARTICIPATION:

Holly Davis, Bartlett, Texas, stated they sold a home at 112 NE Bell. They bought the home because she thought her husband would be working in Lawton until 2012, but that was not the case. She stated they opened the water account in July and in December there was a water leak and their bill was \$112 and they did not know about it. She was not able to get here until the end of January and by that time she had a \$300 bill. She came to the City of Lawton to inquire about her bill because she had been to the house and did not see a leak. She stated they were working on the house and had the sheetrock torn down so it was obvious no one lived in the house. Staff told her the bill had reached \$1,700. When she investigated she found out the leak was due to the water heater. She immediately turned everything off. In July she spoke with staff who told her there was a one time exemption if she qualified. She wrote a letter asking for the exemption, but was told today that nothing could be done. She then spoke to the Finance Director who told her that the exemption was only for non-detectable leaks. She stated she feels that at some point she should have been notified. She has already paid all but \$1,000 which was the last bill. She is requesting the City Council waive that \$1,000. They realize now that they cannot take care of the house so they decided to sell it. They actually sold it at a loss.

Mayor Pro Tem Wells stated that since this issue was not on the agenda, the City Council could not take any action tonight.

Shanklin stated he would like to see two or three councilmembers meet with Ms. Davis to determine if she needs some relief. From what he can gather, he believes she does.

Shoemate stated that he agrees. When it is a leak that you don t see, they need to work with these people.

Mayor Pro Tem Wells questioned if Ms. Davis could meet in the morning. He requested volunteers from the council to attend the meeting.

Burk, Shanklin and Drewry agreed to meet at 9:00 a.m.

Rick Endicott, Finance Director, stated the issue has been brought up as to why the City of Lawton did not detect and notify Ms. Davis about the leak. Between December when the bill was read and January the water heater exploded and water was running. As a result the bill came out on an exception report. On February 3rd, staff took the steps to make sure the reading was correct. They tagged the house, but no one was there. He stated they have no way of verifying who used the water or where the water went. There is a provision in the code that states we do not adjust for toilet leaks, water tanks or something that can be detected. This could have been detected if someone would have been there.

Mayor Pro Tem Wells stated he is sure that the City followed the appropriate procedure. He requested Mr. Endicott be at the meeting.

Shanklin questioned why staff would not be alarmed at the loss of this water.

Endicott stated there is no way staff can know if a house has a leak until they go back out the next month and read the meter.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF JUNE 9 AND JUNE 23, 2009.

MOVED by Hanna, SECOND by Haywood, to approve the minutes of June 9 and June 23, 2009. AYE: Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Pro Tem Wells stated item #35 needs to be considered separately. Jensen stated item #11 needs to be stricken from the agenda.

MOVED by Drewry, SECOND by Haywood, to approve the Consent Agenda with the exception of items #35 and #11. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: D Angelo Adams in the amount of \$900.00 (**Res. 09-66**), Keyshauna Adams in the amount of \$4,189.00 (**Res. 09-67**), Lindsay Kassanavoid in the amount of \$500.00 (**Res. 09-68**), Kevin Greear in the amount of \$32.51, Megan McLaughlin in the amount of \$1,822.34 (**Res. 09-69**) and Linda Herrington in the amount of \$3,325.00 (**Res. 09-70**). Exhibits: Legal Opinions/Recommendation; Resolution No. ____; Resolution No. ____; Resolution No. ____; Resolution No. ____; Resolution No. ____.
2. Consider the following damage claims recommended for denial: Rizalina Johnston in the amount of \$5,150.00. Exhibits: Legal Opinions/Recommendations.
3. Consider adopting a resolution approving a proposed settlement and authorizing the filing of a joint journal entry to make payment in the pending lawsuit of Bruce E. Harrison, Case No., CJ-2007-258, against the City of Lawton. Exhibits: **Resolution No. 09-71**.
4. Consider renewing the professional services agreement with the Center for Economic Development Law for economic development financing methods, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Retainer Agreement for Professional & Legal Services on filed in the City Clerks Office.
5. Consider renewing the professional services agreement with John C. Mackey, for various matters involving real property, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.
6. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and Sue Taylor and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on File in City Clerk s Office.
7. Consider approving the professional services agreement with L. David Pomeroy, for legal representation of the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement

on file in the City Clerk's Office.

8. Consider approving the professional services agreement with Kimberly Fuhr, for the purpose of providing accounting services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement on file in the City Clerk's Office.
9. Consider approving an Agreement between the Lawton Heritage Association and the City of Lawton to fund activities by the Association designed to encourage, promote and foster economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement for Limited Services.
10. Consider approving an Agreement between the Lawton Philharmonic Society, Inc., and the City of Lawton to fund activities by the Society designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement with Attached Budget.
11. Consider approving an Agreement between the Lawton Community Theater and the City of Lawton to fund activities by the Theater designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement. Budget will be distributed to the City Council at the meeting. **THIS ITEM WAS STRICKEN FROM THE AGENDA.**
12. Consider approving an Agreement between the Buffalo Soldiers Heritage Plaza, Inc., and the City of Lawton to fund activities by the Plaza designed to encourage, promote and foster tourism and economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.
13. Consider approving the annual Cooperative Agreement and an Agreement for Limited Funding between the City and Transit Trust to provide funds for the operation of a public transit system and authorize the Mayor and City Clerk to execute the same. Exhibits: Cooperative Agreement and Limited Funding Agreement are on file in the City Clerk's office.
14. Consider authorizing application of the 2009 Department of Justice Edward Byrne Assistance Grant Local (JAG). Exhibits: Budget Summary, Budget Worksheet and Budget Narrative. Interlocal Agreement with Comanche County is on file in the City Clerk's Office.
15. Consider approval of the Arts & Humanities Division acceptance of the Local Government Challenge Grant from the Oklahoma Arts Council for the FY 2009-10. Exhibits: Contract on file in City Clerk's office.
16. Consider approving contracts for the FY 2009-2010 Co-Sponsorship Grant Program. Exhibits: Contract on file in City Clerk's office.
17. Consider approving contract with the Bobby Dale Band to perform at the COL-Ft. Sill 108th Birthday Celebration hosted in conjunction with the Lawton Arts & Humanities Council's (LAHC) 2009-10 Native American Program on August 1, 2009. Exhibits: Contract on file in City Clerk's office.
18. Consider approving contract with Miller Pro Audio for sound and lighting equipment and operators for the COL-Ft. Sill 108th Birthday Celebration hosted in conjunction with the Lawton Arts & Humanities Council's 2009-10 Native American Program on Saturday, August 1, 2009. Exhibits: Contract on file in City Clerk's office.
19. Consider ratifying the actions of the City Engineer and approving Change Order #1 for the Landfill Cells 4-5 Project #2008-4 with M. Hanna Construction Co., Inc. Exhibits: None.
20. Consider acknowledging receipt of a permit for the construction of a waterline and appurtenances from the Oklahoma Department of Environmental Quality to serve the 2008 CIP Waterline Replacement (Phase 3) Project #2010-1, City of Lawton, Comanche County, Oklahoma. Exhibits: Permit to Construct dated June 3, 2009 is on file in the City Clerk's office.
21. Consider adopting a Resolution authorizing the installation of traffic control measures on: NW Columbia Ave at the intersection of NW 14th St; east of NW 24th St between NW Williams St and the existing driveway east of Bldg.

No. 2235; NW Baltimore Ave at the intersection of NW 44th St; northbound and southbound SW Sheridan Rd at the intersection of SW F Ave; southbound NW 27th St and northbound NW 27th St; and SW 47th St at the intersection of SW Park Way Dr. Exhibits: Traffic Commission Minutes, Traffic Issue Requests, and **Resolution No. 09-72**.

22. Consider denying the requests for traffic control measures on: SW McKinley Ave at the intersection of SW 7th St; NW Meadowbrook Ave at the intersection of NW 40th St. Exhibits: Traffic Commission Minutes and Traffic Issue Requests.

23. Consider setting the date of August 25, 2009, to hold a public hearing and consider closing a portion of a public utility easement on Lot 4, Block 2, Dove Creek Addition, Part 1C, located at 2408 SW 53rd Street. Exhibits: Application; Site Plan.

24. Consider setting the date of August 25, 2009, to hold a public hearing and consider closing a portion of the right-of-way of SW Summit Avenue and SW 13th Street. Exhibits: Location Map, Site Plan and Application.

25. Consider granting a temporary access easement to Piknik, Inc., dba Days Inn, for access to 801 East Gore Boulevard. Exhibits: Site Plan, Temporary Access Easement on file in City Clerk s Office.

26. Consider granting a revocable permit for parking and maneuvering in the right-of-way of SE 1st Street and SE Monroe Avenue for a building located at 1443 SE 1st Street. Exhibits: Revocable Permit, Site Plan, Location Map, Application.

27. Consider amending the administrative services agreement to the contract (RFPCL07-053) Health and Dental Third Party Administrator with Blue Cross Blue Shield of OK and authorizing the Mayor and City Clerk to execute the amendment. Exhibits: Amendment 1 to the Administrative Services Agreement with BCBS.

28. Consider awarding (CL09-047) Bunker/Turnout Gear to Wayest Safety, Inc. of Oklahoma City, OK. Exhibits: Department Recommendation, Abstract of Bids.

29. Consider extending the contract (CL08-003) Rear Suspension Repair with Loden Spring & Suspension, Inc. of Wichita Falls, TX. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

30. Consider extending the contract (RFPCL08-062) Collection of Overdue Utility Bills with Lawton Retail Merchants Assn. of Lawton, OK. Exhibits: Department Recommendation, Proposal Price Bid Sheet, Contract Extension Form.

31. Consider awarding (RFPCL09-048) Electrostatic Discharge (ESD) Rubber Tile to StaticWorx Inc. of Watertown, MA. Exhibits: Department Recommendation, Proposal Sheet.

32. Consider awarding (CL09-049) Jail Food & Supplies to Indian Nation Wholesale Company of Durant, OK. Exhibits: Department Recommendation, Abstract of Bids.

33. Consider awarding (CL09-050) Lawton Arts & Entertainment Magazine to Colorgraphics The Print Shop, Inc. of Lawton, OK. Exhibits: Department Recommendation, Abstract of bids, Vendor Affidavit.

34. Consider extending the contract (CL06-006) Plexar-Custom Service Agreement with AT&T of Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

35. Consider approving appointments to boards and commissions. Exhibits: None.

Mayor Pro Tem Wells stated he requested this item be pulled because he would like to have a chance to speak to Mr. Isaac regarding his appointment to the Redistricting Commission.

MOVED by Wells, SECOND by Zarle, to approve appointments to boards and commissions with the exception of the Redistricting Commission appointment of Ken Isaac. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

Building Development Appeal Board

Paul McWilliams Charlie Wright
Fire Protection Designer
307 NE 48th Street 702 SW 52nd Street
Lawton, Oklahoma 73507 Lawton, Oklahoma 73505
07/26/12 07/26/12

Mayor s Commission On The Status Of Women

Helma Blackburn
Ward 2
2704 NW Hilltop Drive
Lawton, Oklahoma 73507
07/14/2011

36. Consider approval of payroll for the periods of June 15 July 12, 2009.

OLD BUSINESS ITEMS:

37. Consider the following damage claims recommended for denial: Andrea Johnson in the amount of \$153.36. Exhibits: Legal Opinions/Recommendations.

Jensen stated this claim was pulled at the last meeting because there was a mix up with the name and the agenda title. Staff wanted to make sure that the claimant received notice that the claim was being heard by the City Council. He stated staff continues to recommend denial of this claim.

MOVED by Drewry, SECOND by Burk, to deny the claim of Andrea Johnson in the amount of \$153.36. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

38. Hold public hearings and adopt a resolution declaring the accessory structure located at: 611 SW Jefferson Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public s health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove the dilapidated structure, if necessary. Exhibits: Resolution No 09-____. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Anthony Griffith, Neighborhood Services Supervisor, stated this item was brought before the City Council in September, 2008 and was postponed for sixty day to allow the titleholder the privilege of reduced tipping fees. The titleholder did obtain a demolition permit that expired June 6, 2009. The structure remains in the same condition.

Griffith presented photographs of the property. He stated he has made several attempts to contact the titleholder but he has not returned his phone calls.

Haywood stated that he does know Mrs. Greenlee and she is a wonderful person. He has had a hard time with this property and they have given Mr. Greenlee a chance and have given him plenty of time. Not only does he have this property in his ward, but he has a lot of others that need to be torn down.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Burk, to adopt **Resolution 09-73** declaring the accessory structure located at 611 SW Jefferson Avenue to be a dilapidated public nuisance. AYE: Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

39. Hold a public hearing to receive input from citizens and to consider a change to the FFY 2008 Consolidated One-Year Action Plan, Change 3. Consider approving City Council Resolution 09-____, and authorize the Mayor and City Clerk to execute the implementing documents. Exhibits: Resolution 09-____. FFY 2008, Change 3 is available for review in the City Clerk s Office.

Tim Libby, Grants and Fiscal Officer for Housing and Community Development, stated in the Community Development Block Grant reinvestment Act funds that were approved for 2008, they asked for the approval of an equipment operator in training program. When that was sent forward to HUD, the program was rejected and they were told they needed to come back quickly with another proposal. This proposal is to provide \$173,064 to the Fort Sill Apache restaurant. These funds will assist in the construction of the restaurant and in return, the restaurant will provide for eight low and moderate income jobs to the citizens of Lawton. Those jobs will be assured for a minimum of five years. This will provide a boost to the economy by creating eight new jobs. He stated they will allow these jobs to be any position within the restaurant.

Haywood stated he has no problem with these jobs going to the Fort Sill Apache restaurant.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Burk, SECOND by Haywood, to adopt **Resolution 09-74** approving Change 3 to the FFY 2008 Consolidated One-Year Action Plan. AYE: Haywood, Wells, Shoemate, Hanna, Drewry, Burk, Shanklin, Zarle. NAY: None. MOTION CARRIED.

Mayor Pro Tem Wells stated they need to address item #41 before #40.

41. Consider approving an ordinance assessing and levying a one-half percent (0.5%) sales tax to be collected from January 1, 2010, through December 31, 2014, for the purpose of assisting Lawton Public Schools with funding school building construction and renovations/remodeling and the purchase of buses, and providing for the administration of the collection of the sales tax. Exhibits: Ordinance No. 09-____.

Mayor Pro Tem Wells stated he would like to see this approved because he feels they should give the citizens the right to vote on an issue like this. He stated he feels that they owe this to the generations that will follow. They need to take care of the schools for the children and this would be a way to do that.

Zarle stated he has one problem with this. He stated if this goes before the public and is passed, the \$25 million that is bonded out will be a liability to the City of Lawton and could affect us in the future bonding of an emergency. That is his main concern.

Mayor Pro Tem Wells stated they are talking about the bonding rating that could cause us to pay higher interest on bonds if we were to exceed a certain amount.

Mitchell stated the impact would affect the bond rating and also the loan capacity. There is a debt ceiling that you might approach if you had an emergency. The only concern he would have is that you are limiting your bonding capacity and there would be that potential.

Burk stated a lot of time they don't think about the generations down the road. No one wants to raise taxes but it is just part of what they have to do. They owe it to the city to stand up and say they are behind this 100%.

David Madigan, 7511 NW Willow Creek Drive, stated he is representing close to one hundred volunteers who have been working very hard to come up with a solution. He stated they are trying to make positive, proactive changes within our school district. They owe this to 17,000 students and over 2,000 educators who work for Lawton Public Schools. The needs within our school system are tremendous and the list of needs exceeds over \$100 million. He is most proud of this collaboration of community partnerships that are putting aside self interest to meet this need. They have come up with a one half cent sales tax that will generate \$25 million along with an advalorem that will raise \$37 million. That is \$62 million over the next five years.

Hanna stated that the citizens need to know this information because they are the ones that will be going to the polls. He stated they need to give the children everything they deserve.

Drewry stated this is not just a wish list, it is for the safety of our children and for their educational benefit. We are not meeting those needs right now.

Shoemate stated this past week he has been to Cache and Elgin and he has seen their new schools and gymnasium. He stated our buses are outdated and dilapidated. He stated there are a lot of needs in this community and he feels this should be brought to a vote of the people and let them have a say.

Shanklin stated he understood that there is \$4 million we will get from Fort Sill if we build a school.

Mr. Madigan stated he is not aware of this.

Mayor Pro Tem Wells stated he hopes that the City Council will get out and let their constituents know how

important this is for the student.

MOVED by Burk, SECOND by Hanna, to adopt **Ordinance 09-22**, waive the reading of the ordinance, read the title only. AYE: Wells, Shoemate, Hanna, Drewry, Burk, Shanklin, Haywood. NAY: Zarle. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 09-22

An ordinance relating to revenues, enacting a new ordinance assessing and levying an excise tax of one half percent (0.5%) in addition to all other excise taxes assessed and levied by the City of Lawton, Oklahoma, and all other taxing authorities, upon the gross proceeds or gross receipts derived from all sales to any person taxable under the Oklahoma Sales Tax Code, codified in Title 68 Oklahoma Statutes 1991, Section 1350 et seq; providing for the administration and collection of said tax; providing for the use of state permits in lieu of permits issued by the city; stating the purpose of the revenues derived from said sales tax and providing for the disposition of proceeds therefrom; declaring that revenues be used to assist the Lawton Public Schools with funding school building construction and renovations/remodeling and school buses, as authorized by Title 11, Oklahoma Statutes, Section 22-159; providing that the tax shall be limited to a period commencing January 1, 2010, through December 31, 2014; making the tax cumulative; providing that the governing body may make administrative and technical changes which do not affect the tax rate; requiring approval of this ordinance by majority of the registered, qualified voters of the city voting at an election to be held for such purpose as provided by law; providing for severability of the provisions of this ordinance; providing for continuation of this ordinance in the event the purpose of revenue provision is declared invalid; providing for severability, codification, and establishing an effective date; and requiring the full text be published.

40. Consider approving a resolution authorizing the calling and holding of an election in the City of Lawton, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of the approval or rejection of Ordinance No. 09-____ of the City relating to an additional one-half percent (0.5%) sales tax of the City and defining the purposes for such tax to assist Lawton Public Schools, as authorized by Title 11, Oklahoma Statutes, Section 22-159; and authorizing the Mayor and City Clerk to execute the Resolution, Special Election Proclamation and Notice.

Exhibits: Resolution No. 09-____, Special Election Proclamation and Notice.

Shanklin questioned what items are they eliminating from this half cent sales tax.

Mayor Pro Tem Wells stated they are not eliminating anything, this is for construction, renovation, remodeling, purchasing school buses and providing for administration.

Jensen stated this is a half of a percent, not half of a cent.

Resolution was read in full by the City Clerk.

MOVED by Hanna, SECOND by Burk, to adopt **Resolution 09-75**. AYE: Shanklin, Haywood, Wells, Shoemate, Hanna, Drewry, Burk. NAY: Zarle. MOTION CARRIED.

42. Consider authorizing the Fire Department to accept the Federal SAFER Grant (Staffing for Adequate Fire & Emergency Response), which provides match based funding to assist with additional firefighter positions in local fire departments and if accepted, would provide 12 new entry-level firefighter positions to the Lawton Fire Department. Exhibits: SAFER Grant Overview. **THIS ITEM WAS STRICKEN FROM THE AGENDA.**

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Drewry stated the farmers market that is held every Saturday from 8 12 Noon and Wednesday from 8 12 Noon at the fairgrounds is in need of growers. She thanked Cameron University for providing the community garden.

Hanna congratulated the Senior Drillers baseball team who went to Lubbock to play in the world series baseball for eleven and under. He stated they won the entire tournament.

Burk stated they have a lot of growing to do in the next few years and they need to make sure that these school bond issues pass.

Barry Beauchamp, Superintendent of Lawton Public Schools, thanked the City Council for their support. The basis of this whole project is to do what is right for the children.

COL Lacey stated the Lawton Fort Sill Chamber of Commerce will be sponsoring a military appreciation day at LETRA on Saturday, July 18th. He stated that Brigadier General Roger Mathews, the Commandant of the Air Defense Artillery School, will be the military representative at the rodeo this year. On July 16th 32ADA, which is part of the 31st

ADA brigade, raises its colors and activates on Fort Sill. This is another sign that the growth continues.

Mitchell stated on July 30th they will finally have Finance Authority approval of the \$28 million CIP program, which means the state will be picking up the first five years of interest which will put more money into roads and bridges in the community. He stated that Tony Griffith, Neighborhood Services Supervisor, worked very hard to get a railroad crew in town today to mow all of the railroad right of ways.

Mayor Pro Tem Wells stated he went to a Change of Command Ceremony today and he said it is a very impressive ceremony. There is a lot of history and tradition that goes into it. He drove out on 82nd Street today and noticed a housing addition going in at 82nd and Lee with over 400 units. He stated this will be in Cache school district and that seems very strange to him.

The Mayor and Council convened in executive session at 7:08 p.m. and reconvened in regular, open session at 7:17 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

43. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the status of the case before the Oklahoma Public Employee Relations Board, titled AFSCME vs. City of Lawton, PERB No. M010-PPC, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item #43.

MOVED by Hanna, SECOND by Zarle, to ratify the City Attorney's decision to appeal PERB's June 26, 2009 decision to the District Court of Comanche County. AYE: Wells, Shoemate, Hanna, Drewry, Burk, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 7:19 p.m. upon motion, second and roll call vote.

/s/ Douglas A. Wells
DOUGLAS A. WELLS., MAYOR PRO TEM
ATTEST:

/s/ Traci Hushbeck
TRACI HUSHBECK, CITY CLERK